

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Rodney Allan Schliemann,

Petitioner,

v.

Civ. No. 06-1103 (JNE/SRN)
ORDER

Joan Fabian and State of Minnesota,

Respondents.

In a Report and Recommendation dated January 24, 2007, the Honorable Susan Richard Nelson, United States Magistrate Judge, recommended that respondents' motion to dismiss be granted in part and denied without prejudice in part and that petitioner's motions to review tape and for an evidentiary hearing be denied. Petitioner objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Accordingly,

IT IS ORDERED THAT:

1. Respondents' motion to dismiss [Docket No. 5] is GRANTED IN PART and DENIED WITHOUT PREJUDICE IN PART as set forth in the Report and Recommendation.
2. Petitioner's motion to review tape [Docket No. 2] is DENIED.
3. Petitioner's motion for an evidentiary hearing [Docket No. 11] is DENIED.
4. Respondents shall address petitioner's remaining habeas issue within thirty days of the date of this Order.

Dated: February 13, 2007

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge